REMARKS

Claims 1-60 are pending in the present application.

The rejection of Claims 1, 2, 4, 6-10, 12-18, 23, 24, 27, 28, 33, 36, 37, 43-49, and 55-57 under 35 U.S.C. §102(b) over Gefter et al (US 6,180,608) is obviated in part by amendment and traversed in part.

The present invention relates to a sustained release pharmaceutical administration form wherein the pharmacologically active peptide is obtained by reconstituting a lyophilized peptide compound with a low-concentration of an inorganic or acetic acid salt solution before administration. It is the aim of the product development to optimize the concentrations of the peptide of the lyophilizate as well as inorganic or acetic acid salt. The lyophilizate and the solution of an inorganic or acetic acid salt are used as the present pharmaceutical gel preparation.

Gefter et al disclose a pharmaceutical composition comprising a water-insoluble complex composed of a peptidic compound and a macromolecule carrier that allows for sustained release of the peptidic compound in vivo upon administration of the complex. The peptidic compound of Gefter et al comprises peptides, polypeptides and proteins. The peptidic compound can also comprise an LHRH analogue which may be an LHRH agonist or an LHRH antagonist in a narrower sense.

The current invention also comprises LHRH antagonists, especially the compound D-63153 having the peptide sequence

Ac-D-Nal(2)^{1}-D-pCl-Phe^{2}-D-Pal(3)^{3}-Ser^{4}-N-Me-Tyr^{5}-D-Hci^{6}-Nle^{7}-Arg^{8}-Pro^{9}-D-Ala^{10}-NH_2

As the Examiner recognizes at page 12, last sentence, of the outstanding Office Action, Gefter et al does not disclose or suggest D-63153 or the concentrations of sodium

chloride. Whereas the first difference clearly speaks to the lack of anticipation of certain claims, the latter should be considered with respect to all the claims.

In Gefter et al, the carrier macromolecule comprises cationic carrier macromolecule like poly-L-lysine and other polymers of basic amino acids or anionic carrier macromolecule like polyalcohol derivatives, specifically polysaccharides and more specifically carboxymethylcellulose, algin, alginate, acetate polymers, acrylic polymers, alkali starch glycolate and others.

The current invention does not comprise a carrier macromolecule and does not use such carrier macromolecule. On the contrary the inventive peptide forms the administration form for sustained release itself.

Gefter et al use a 0.9% sodium chloride in Example 14 as a reconstitution vehicle to reconstitute the complex PPI-149-CMC, consisting of the peptidic compound PPI-149 and the macromolecule carboxymethylcellulose, wherein the complex PPI-149-CMC is already a sustained delivery complex. However, the present invention uses sodium chloride as an inorganic salt as the reconstitution medium and to prepare a sustained release form from an easily soluble peptide or peptide salt.

In the claimed invention, the peptide or peptide salt is a pure peptide without a carrier macromolecule. Therefore, Applicants submit that the present invention differs from that disclosed by Gefter et al. Specifically, the current invention does not comprise a carrier macromolecule and does not use such carrier macromolecule. On the contrary the inventive peptide forms the administration form for sustained release itself.

Applicants request withdrawal of this ground of rejection.

The rejections of: (a) Claims 11, 19-22, 25-26, 29-32, and 34-35 under 35 U.S.C. §103(a) over Gefter et al in view of Bauer et al; and (b) Claims 38-42 and 58-60 under 35 U.S.C. §103(a) over Gefter et al in view of Bauer et al and Engel et al, are obviated in part by amendment and traversed in part.

Applicants submit that the deficiencies in the disclosure of Gefter et al are discussed above. The Examiner states further that the difference between the reference and the present claims are that the reference does not teach D-63153 and differing sodium chloride concentrations (Official Action page 12, last sentence). However, the Examiner alleges that Bauer et al disclose a pharmaceutical administration form containing peptides prone to aggregation in the form of their acetate, gluconate, glucuronate, lactate and others.

Bauer et al discloses that peptides have a nature prone to uncontrolled aggregation and that the peptides if administered lead to a concentration-dependent lowering of the bioavailability from the peptide concentration. Bauer at al therefore disclose that addition of a free acid to the easily soluble peptide salt prevents that peptide salts prone to aggregation. The combination of the teaching of Gefter et al and of Bauer et al does not lead to the inventive subject matter.

In a further consideration the Examiner refers to the Engel et al, and alleges that the current invention in claims 38-42 and 58-60 is obvious. Applicants disagree.

Engel et al teach a kit comprising an initial dose of an LHRH antagonist and at least one maintenance dose of the same LHRH antagonist for the treatment of hormone-dependent conditions. The current invention claims in claims 38-42 and 58-60 relate a kit comprising an LHRH antagonist as finished preparation of the peptide compound and a solution of an inorganic salt or acetic acid salt for reconstitution. The combination of the teaching of Gefter

et al, Bauer et al, and of Engel et al does not lead to the inventive subject matter of the kit claims.

Applicants request withdrawal of these grounds of rejection.

The objection to the specification for failing to provide a section entitled "Brief Description of the Drawings" is obviated by submission of the same in the amendments herein. Applicants request withdrawal of this ground of objection.

The objection to the title as being too long is respectfully traversed.

The Examiner alleges that that title is limited to 2-7 words maximum. Applicants respectfully submit that this allegation finds no support in 35 U.S.C., 37 C.F.R., or the MPEP. In fact, MPEP §606 provides all the guidance as is necessary relating to the title stating:

> **37 CFR 1.72 Title and abstract.**
> (a) The title of the invention may not exceed 500 characters in length and must be as short and specific as possible. Characters that cannot be captured and recorded in the Office's automated information systems may not be reflected in the Office's records in such systems or in documents created by the Office. Unless the title is supplied in an application data sheet (§ 1.76), the title of the invention should appear as a heading on the first page of the specification.
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> The title of the invention should be placed at the top of the first page of the specification unless it is provided in the application data sheet (see 37 CFR 1.76). The title should be brief but technically accurate and descriptive and should contain fewer than 500 characters. Inasmuch as the words "new," "improved," "improvement of," and "improvement in" are not considered as part of the title of an invention, these words should not be included at the beginning of the title of the invention and will be deleted when the Office enters the title into the Office's computer records, and when any patent issues. Similarly, the articles "a," "an," and "the" should not be included as the first words of the title of the invention and will be deleted when the Office enters the title into the Office's computer records, and when any patent issues.

The title of the present application is "Administration Form for Pharmaceutically Active Peptides with Sustained Release and Method for the Production Thereof". This title only contains 103 characters, which is clearly below the threshold defined in 37 C.F.R. §1.72. Further, the title is brief, technically accurate, and reflective of the presently claimed invention. In view of the foregoing, Applicants submit that the title of the present application is proper and need not be amended.

Withdrawal of this ground of objection is requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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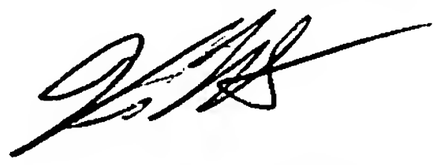

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